

AO 440 (Rev. 12/09) Summons in a Civil Action

UNITED STATES DISTRICT COURT

for the

Northern District of California

E-filing

CV10

5604

ORACLE AMERICA, INC.

Plaintiff

v.

MYRIAD GROUP AG

Defendant

Civil Action No.

HRL

SUMMONS IN A CIVIL ACTION

To: (Defendant's name and address) MYRIAD GROUP AG  
1900 South Norfolk Street  
Suite 280  
San Mateo, CA 94403-1511

FILED

DEC 14 2010

RICHARD W. VERNING  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

A lawsuit has been filed against you.

Within 21 days after service of this summons on you (not counting the day you received it) — or 60 days if you are the United States or a United States agency, or an officer or employee of the United States described in Fed. R. Civ. P. 12 (a)(2) or (3) — you must serve on the plaintiff an answer to the attached complaint or a motion under Rule 12 of the Federal Rules of Civil Procedure. The answer or motion must be served on the plaintiff or plaintiff's attorney, whose name and address are:

JEFFREY M. SHOHEET, Bar No. 087528  
CHRISTOPHER J. BEAL, Bar No. 216579  
DLA PIPER LLP (US)  
401 B Street, Suite 1700  
San Diego, CA 92101-4287

If you fail to respond, judgment by default will be entered against you for the relief demanded in the complaint. You also must file your answer or motion with the court.

Date: DEC 10 2010

CLERK OF COURT

Helen L. Almazan

Signature of Clerk or Deputy Clerk

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Civil Action No. \_\_\_\_\_

**PROOF OF SERVICE***(This section should not be filed with the court unless required by Fed. R. Civ. P. 4 (l))*

This summons for ~~(name of individual and title, if any)~~ \_\_\_\_\_  
 was received by me on (date) 12-10-2010

☐ I personally served the summons on the individual at (place) \_\_\_\_\_  
 \_\_\_\_\_ on (date) \_\_\_\_\_; or

☐ I left the summons at the individual's residence or usual place of abode with (name) \_\_\_\_\_  
 \_\_\_\_\_, a person of suitable age and discretion who resides there,  
 on (date) \_\_\_\_\_, and mailed a copy to the individual's last known address; or

☒ I served the summons on (name of individual) Archie Thompson, who is  
 designated by law to accept service of process on behalf of (name of organization) Myriad Group AG  
 \_\_\_\_\_ on (date) 12-10-2010; or


☐ I returned the summons unexecuted because \_\_\_\_\_; or

☐ Other (specify): \_\_\_\_\_

My fees are \$ \_\_\_\_\_ for travel and \$ \_\_\_\_\_ for services, for a total of \$ 0.00.

I declare under penalty of perjury that this information is true.

Date: 12-20-2010

  
 Server's signature

Scott Lane  
 Printed name and title

657 Mission St. #502 San Francisco,  
 Server's address

CA 94105

Additional information regarding attempted service, etc:

Attorney Or Party Without Attorney (Name and Address): <b>DLA PIPER US LLP</b> 401 B Street, Suite 1700 San Diego, California 92101-4297		Telephone: (619) 699-2936		FOR COURT USE ONLY	
Attorneys for: <b>ORACLE AMERICA, INC.</b>		Ref. No. Or File No. <b>W2569666</b>			
Insert name of court, judicial district and branch court, if any: <b>UNITED STATES DISTRICT COURT</b> <b>NORTHERN DISTRICT OF CALIFORNIA</b>					
Plaintiff: <b>ORACLE AMERICA, INC. , et al.</b>					
Defendant: <b>MYRIAD GROUP AG, etc., et al.</b>					
<b>PROOF OF SERVICE</b>		Date:	Time:	Dept/Div:	Case Number: <b>CV10 5604 HRL</b>

I, **Scott Lane**, Under penalty of perjury, hereby declare that I am and was on the dates herein mentioned, over the age of eighteen, and not a party to the within action;

I served the: **SUMMONS; COMPLAINT; CORPORATE DISCLOSURE STATEMENT OF PLAINTIFF ORACLE AMERICA, INC.**

in this action by personally delivering to and leaving with the following defendant or person on the date set opposite their respective names, a true copy thereof:

Defendant : **MYRIAD GROUP AG**

By Serving : **ARCHIE THOMPSON, Senior Manager Professional Services/Authorized to Accept Service of Process**

Address : **1900 South Norfolk Street, Suite 260 ; San Mateo, California 94403**

Date & Time : **Friday, December 10, 2010 @ 2:00 p.m.**

Witness fees were : **Not applicable.**

Person serving:  
**Scott Lane**  
**Wheels of Justice, Inc.**  
657 Mission Street, Suite 502  
San Francisco, California 94105  
Phone: (415) 546-6000

a. Fee for service:  
d. Registered California Process Server  
(1) Employee or independent contractor  
(2) Registration No.: 1126  
(3) County: San Francisco  
(4) Expires:

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct.

Date: December 10, 2010

Signature: \_\_\_\_\_

**Scott Lane**

